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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17

18 CINDI PEPITONE,

19
20 Plaintiff,

21 v.

22 KAISER PERMANENTE EMPLOYEES
23 PENSION PLAN,

24 Defendant.
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Case No.: 4:11-cv-00515-SC

**STIPULATION AND ~~[PROPOSED]~~ ORDER
TO SET EXTENDED BRIEFING
SCHEDULE PURSUANT TO LOCAL RULE
6-2(a) RELATED TO PARTIES' CROSS-
MOTIONS FOR SUMMARY JUDGMENT**

Complaint filed: February 2, 2011

Pursuant to United States District Court of the Northern District of California's Local Rule ("Local Rule") 6-2(a), Plaintiff Cindi Pepitone ("Plaintiff") and Defendant Kaiser Permanente Employees Pension Plan ("Defendant") (collectively the "Parties"), by and through their respective counsel of record, hereby stipulate for an extended briefing schedule related to their cross-motions for summary judgment as follows:

WHEREAS, this is an action for pension benefits governed by the Employee Retirement Income Security Act of 1974, 29 U.S.C. Sections 1001 *et seq.* ("ERISA");

WHEREAS, the Parties have not previously sought to continue or extend any of the deadlines in this ERISA action related to the filing of Cross-Motions for Summary Judgment or Court scheduled conferences;

WHEREAS, on June 24, 2011 the Court scheduled a Trial Setting Conference for January 13, 2012;

WHEREAS, the Parties participated in an early neutral evaluation ("ENE") pursuant to the Court's ADR procedure on September 14, 2011;

WHEREAS, while this matter was not resolved at the ENE session, the Parties have agreed, through their respective counsel, to engage in further good faith efforts to informally resolve this dispute;

WHEREAS, in the event that informal resolution is unsuccessful, the Parties intend to file Cross-Motions for Summary Judgment dispositive of the issues in this ERISA action, and will need sufficient time to prepare their respective Cross-Motions for Summary Judgment, opposition and reply briefs.

1 NOW, THEREFORE,

2
3 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff and
4 Defendant, by and through their respective undersigned attorneys of record, that, pursuant to
5 Local Rule 6-2(a), in order to accomplish these goals, and having met and conferred
6 regarding their respective calendars and availability, and having contacted the Court's clerk to
7 reserve a hearing date, that a hearing on the Parties' Motions for Summary Judgment be
8 scheduled on **April 20, 2012**, and that a briefing schedule be set by the Court extending
9 deadlines otherwise set by Local Rule 7-3, as follows:

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11 Last day for the Parties to file and serve Cross-Motions for Summary Judgment:

12 **March 9, 2012**

13
14 Last day for the Parties to file and serve opposition briefs:

15 **March 23, 2012**

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17 Last day for the Parties to file and serve reply briefs:

18 **April 6, 2012**

19
20 Hearing on the Parties' Cross-Motions for Summary Judgment:

21 **April 20, 2012**

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23 IT IS FURTHER STIPULATED AND AGREED by and between Plaintiff and
24 Defendant, by and through their respective undersigned attorneys of record, in the event that
25 the Court wishes to continue the January 13, 2012 Trial Setting Conference and set a new
26 date for a Trial Setting Conference, the Parties respectfully request that the Trial Setting
27 Conference be set **no earlier than April 20, 2012**.

1 Good cause exists for the setting of the deadlines for the parties' Cross-Motions
2 for Summary Judgment, as set forth above.

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4 IT IS SO STIPULATED:

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7 Dated: December 19, 2011

LAW OFFICE OF RICHARD JOHNSTON

8
9 By: /s/
10 Richard Johnston
11 Attorney for Plaintiff
12 CINDI PEPITONE

13 Dated: December 19, 2011

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16 By: /s/
17 Katherine L. Kettler
18 Attorneys for Defendant
19 KAISER PERMANETE EMPLOYEES
20 PENSION PLAN
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1 Having reviewed the Stipulation executed by Plaintiff CINDI PEPITONE and
2 Defendant KAISER PERMANENTE EMPLOYEES PENSION PLAN, and good cause
3 appearing, the Court hereby orders that pursuant to Local Rule 6-2(b) the parties' Cross-
4 Motions for Summary Judgment, as well as a subsequent Trial Setting Conference, be
5 scheduled as set forth below:

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7 Last day for the Parties to file and serve Cross-Motions for Summary Judgment:

8 **March 9, 2012**

9
10 Last day for the Parties to file and serve opposition briefs:

11 **March 23, 2012**

12
13 Last day for the Parties to file and serve reply briefs:

14 **April 6, 2012**

15
16 Hearing on the Parties' Cross-Motions for Summary Judgment:

17 **April 20, 2012**

18
19 ~~Trial Setting Conference:~~

20 _____, 2012, at _____.

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22 **IT IS SO ORDERED.**

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24 Dated: December 27, 2011

25 
26 The Honorable Samuel Conti
27 United States District Court Judge

28 4846-3311-3358, v. 1